IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA 1928

WP(C).No. 6 of 2007(A)

PETITIONER:

ASHITHA ASHRAF (MINOR, AGED 17 YEARS),
PLUS ONE STUDENT, ST.JOSEPH ENGLISH MEDIUM HIGHER SECONDARY SCHOOL, ERAVU, REPRESENTED BY HER MOTHER VAHEEDA ASHRAF, ERACHAN VEEDU, NATTIKA BEACH, THRISSUR.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.A.S.SABU

RESPONDENTS:

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1. DIRECTOR OF HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDING, SANTHI NAGAR,TRIVANDRUM-1.

2. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, GOVT.SECRETARIAT,
TRIVANDRUM.

3. GENERAL CONVENOR,
XTH REVENUE DISTRICT HIGHER SECONDARY KALOTSAVAM,
THRISSUR DISTRICT, PRINCIPAL, CMS HIGHER SECONDARY SCHOOL, THRISSUR.

BY GOVERNMENT PLEADER SRI. I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C).No..... OF 2007

Dated this the 25th July, 2007.

O R D E R

The present writ petition is filed with a prayer not to proceed with the execution proceedings in E.P.244/06 in O.S.585/99 of the Munsiff Court, Kochi. A second appeal is pending before this Court with a petition to condone the delay. Now the petitioner wants to stay the execution without resorting to the remedy which is available to her in the second appeal. No party can be permitted to circumvent law and procedure and use Articles 226 or 227 to get a relief. Therefore the objection noted by the Registry is sustained and the writ petition is rejected.

M.N.KRISHNAN
Judge

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